S.B. CIVIL WRIT PETITION NO.6348/2007.
Shambhu Dayal and ors.
Vs.
State and ors.
Date of Order : 21/8/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri DK Srivastava for the petitioners.

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Petitioners are aggrieved by the order dated 17/7/2007 whereby their application under Order 8 Rule 9 read with S.151 CPC has not been decided. In fact, the grievance of the petitioners is that the application should have been decided but the learned trial court has merely directed that the same be placed on record.

On perusal of the impugned-order, I do not find that the impugned order could be said to be adverse to the interest of the petitioners. All that the trial court has directed is to place the application on record.

It is however, expected of the trial court to decide that prior to the decision of the main suit.

With the aforesaid observations, the writ petition is disposed of.

Anil **(MOHAMMAD RAFIQ), J.**